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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,693	10/01/2003	Jorge Enrique Sayago Estrada	65072-0146	8158

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HONIGMAN MILLER SCHWARTZ AND COHN LLP
32270 TELEGRAPH RD
SUITE 225
BINGHAM FARMS, MI 48025-2457

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,693

Applicant(s)

ESTRADA ET AL.

Examiner

Brenda A. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 22-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/09/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Applicant's election with traverse of Group I in the reply filed on February 28, 2005 is acknowledged. The traversal is on the ground(s) that no serious burden to examine both apparatus and method claims. This is not found persuasive because each Group requires a separate and different searches and the consideration of the pertinent art is different for each group.

The requirement is still deemed proper and is therefore made FINAL.

Claim 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is confusing since it is unclear whether drive system is driving pieces previously cut/molded or driving other apparatus elements such as the feeding pump. Claims 7-9 is confusing since it is unclear how extrusion chambers set forth in claims 7-9 relates to extrusion chambers set forth in claim 1 upon which claims 7-9 depend.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 7 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Prince et al.

Prince et al teaches an apparatus for manufacturing decorative moldings. The Prince apparatus is comprised of a leveled table or tray 62, a drive system which includes rollers 28 for driving the substrate that has passed through one coating extrusion chamber wherein the piece is coated moves to the next stage of the coating process and a feeding pump for feeding the coating material to the coating device (see column 6 lines 46-49). Thus every structural element of claims 1 and 7 is taught by Prince. It is noted by the examiner that dependent claim 7, recites an extrusion chamber into which a piece to be coated is fed and the examiner has interpreted that the extrusion chamber set forth in claim 1 and in claim 7 are one and the same since there are no other disclosed extrusion chambers in the specification other than the one to be used for coating. With respect to claim 16, Prince teaches at column 4, lines 18-

35 additional extrusion chambers which can apply different coating materials from the first coating material thereby reading on the claimed limitation that the extrusion chambers operating individually.

Claims 1, 6-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al 5,206,965 in view of Kertscher.

Rao et al teaches an apparatus for manufacturing decorative moldings. The Rao et al apparatus is comprised of table 24, a drive system comprised of conveyor belts 26, 28 with spikes and coating extrusion chamber 46. Rao et al teaches pressurization of the coating material applied to the surfaces of the substrate to be coated. Rao et al fails to teach a feeding pump to feed the coating material to the extrusion chamber.

However, it would have been obvious to modify the Rao et al apparatus by providing a feeding pump to pressurize coating material to the extrusion coating chamber such as the feeding pump control system such as taught by Kertscher since Kertscher teaches feeding the coating to the extrusion chamber using a feeding pump control system enables one to control the pressure of the coating material fed to the coating extrusion chamber for the obvious advantage of greater control of the coating process. Thus claims 1 and 7 are obvious over the above-cited references. With respect to claim 6, Kertscher teaches the feeding pump control system includes feeding pump motor, feeding pipes, a feeding pump motor regulator and a pressure sensor (see column 4, lines 42-57). Kertscher fails to teach the pump control system includes a manual off/on control switch. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide an on/off switch on the Kertscher pump in the

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modified Rao et al apparatus as discussed above for the obvious reason to enable shut off or turn on the pump during emergencies. With respect to claim 12, Rao et al shows the apparatus includes a guide strip 34 which corresponds in shape of the guide opening of the substrate to be coated.

Claims 4, 5, 8-9, 17 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al in view of Kertscher and Santarossa.

Rao et al and Kertscher are applied for the reasons noted above. Rao et al show in Fig. 13a plurality of locking devices for locking down the coating chamber. Rao et al fails to teach the extrusion chambers include an entrance cavity and exit cavity.

However, it would have been obvious given the modified Rao et al apparatus with the Kertscher pump control system to substitute its coating head, a coating die/extrusion chamber/cavity, with another known coating head which include coating chambers/cavities having an entrance chamber/cavity and exit cavity/chamber which reads on a double extrusion chamber such as taught by Santarossa since Santarossa teaches the use of a double die/extrusion chamber to coat substrates similar to that disclosed by Rao et al, decorative moldings, for the taught advantage of enabling a two step coating of the substrate in a single pass through coating head. Further, it would have been obvious given the modifications of the Rao et al with Santarossa double extrusion coating chamber to use a plurality of locking devices to lock the coating chamber down on the table such as extrusion chamber locking device and cavity locking devices since Rao et al teaches doing so for the obvious reason to increase structural stability of the apparatus. With respect to claim 17, Santarossa show his

extrusion chamber is an open chamber. With respect to claim 20, Santarossa teaches the exit cavity determines the thickness of the coating. With respect to claim 9, it would have been obvious the drive system in the modified Rao et al apparatus is capable of directing two cut pieces of moldings arranged in series one after the other thru the thru-opening of the double extrusion chamber and obvious to do so to increase the productivity of the apparatus. With respect to claims 5 and 21, Santarossa teaches the advantage of multiple chamber dies – enable one to apply more than one coating step of the substrate in a single pass through coating head. Therefore, if one desires to apply more three layers of coating to moldings, it would have been obvious given the modifications of the Rao et al apparatus with Santarossa multiple chamber die to increase the number of chambers to three such there is a entrance chamber, intermediate chamber and exit chamber and obvious one would want to apply up to three layers of coating on the base molding for the obvious advantage of greater number of coating layers on a substrate – greater smoothness to the final product and greater protection to the base molding piece as a result of the additional layer. The intermediate chamber in the modified Santarossa multiple chamber die is capable generating the recited deposits on the pieces to be coated.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al in view of Kertscher, Santarossa and Badger.

Rao et al, Kertscher and Santarossa are applied for the reasons noted above but each fails to teach the wall of the entrance is shaped within the scope of the claim. However, it would have been obvious to modify the Rao et al apparatus as discussed


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above to shape the outer wall of the coating chamber entrance opening such that the dimensions of the opening is larger than the substrate to be coated and then tapers in the direction of travel of the substrate to a dimension which is the same as the substrate as shown by Badger for the obvious advantage of alignment of the substrate within the coating chamber.

Claims 2-3, 10-11 and 13-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday and Wednesday thru Friday with alternate Tuesdays off.

B.A. Lamb/dh
April 11, 2005


BRENDA A. LAMB
PRIMARY EXAMINER